

REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks. Claims 1-30 remain pending. Claims 1, 7, 11, 17, 21 and 27 are independent.

SCOPE NOT ALTERED

Some claims are amended in this Reply merely to make explicit features that were implicitly claimed. Other claims are amended merely to address informal issues. Accordingly, the claim amendments do not narrow the scope of the claims.

§ 101 REJECTION

Claims 21-30 stand rejected under 35 U.S.C. §101 for allegedly being directed to non-statutory subject matter. These claims are amended to read "computer readable medium encoded with a program." The Examiner indicates this change renders the claims statutory. Applicants respectfully request that the rejection under 35 U.S.C. §101 of claims 21-30 be withdrawn.

§ 102 REJECTION – CARTER

Claims 1-30 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Carter et al. (U.S. Patent Publication 2004/0054732). Applicant respectfully traverses.

Contrary to the Examiner's allegation, Carter does not teach or suggest each and every element of the claimed invention. For example, independent claim 1 recites, in part "making a judgment as to whether or not the recipient mobile terminal particularly specified in the E-mail message is at the reception location." Thus, as recited, two conditions must be satisfied in order for the Email message to be sent to the recipient mobile terminal. The two conditions are 1) the recipient mobile terminal is particularly specified in the Email message (e.g. in the Email address line), and 2) the recipient mobile terminal is in the location specified by the reception location.

In contrast, Carter discloses that only one of the two conditions need be satisfied. As illustrated in Figure 4B of Carter, the message sender may include the Email address as well as a location. Carter discloses that in cases where location is specified, any recipient – even those that are not particularly addressed – may receive the message as long as they are within particular range of the location specified. *See Carter, paragraph 0042.*

As disclosed in Carter, in order for a recipient to receive a message, only one of two conditions need to be satisfied. If the recipient is particularly

addressed in the address line, the message is delivered to the recipient regardless of the location of the recipient. On the other hand, even if a recipient is not particularly addressed in the Email message, if the recipient is at the location specified in the location-based Email message, the Email will be delivered. Indeed, the ability to deliver messages to recipients without knowing the actual Email addresses is the purpose of the invention as disclosed in Carter. *See Carter, paragraph 0007.* Using such location-based messages allows directed advertisements and product promotions to take place without the need to know the specific Email addresses of the recipients. *See Carter, paragraph 0043.*

As such, Carter is in clear contrast with the invention as recited in claim 1 since the present invention requires that both conditions need to be satisfied. For this reason, independent claim 1 is distinguishable over Carter.

Independent claim 7 recites, in part, "making a judgment as to whether or not the recipient mobile terminal particularly specified in the E-mail message is in a reception location." Again, because the recipient mobile terminal is particularly specified in the Email message, both conditions need to be satisfied. As such, independent claim 7 is distinguishable over Carter.

Independent claim 11 recites, in part, "position judgment means for making a judgment as to whether or not the recipient mobile terminal particularly specified in the E-mail message is at the reception location." Again,

because the recipient mobile terminal is particularly specified, both conditions need to be satisfied. And as a result, independent claim 11 is distinguishable over Carter.

Independent claim 17 recites, in part, position judgment means for making a judgment as to whether or not the recipient mobile terminal particularly specified in the E-mail message is in a reception location.” Clearly, independent claim 17 is distinguishable over Carter.

Independent claim 21 recites, in part “making a judgment as to whether or not the recipient mobile terminal particularly specified in the E-mail message is at the reception location.” Again, claim 21 is distinguishable over Carter.

Similarly, independent claim 27 recites, in part “making a judgment as to whether or not the recipient mobile terminal particularly specified in the E-mail message is in a reception location.” Claim 27 is distinguishable over Carter.

Claims 2-6, 8-9, 12-16, 18-20, 22-26 and 28-30 depend from independent claims 1, 7, 11, 17, 21 and 27 directly or indirectly. Therefore, for at least due to their dependency thereon, these dependent claims are also distinguishable over Carter.

Applicant respectfully requests that the rejection of claims 1-30 based on Carter be withdrawn.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Should there be any outstanding matters that need to be resolved, the Examiner is respectfully requested to contact Hyung Sohn (Reg. No. 44,346), to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a three (3) months extension of time for filing a reply in connection with the present application, and the required fee is attached hereto.

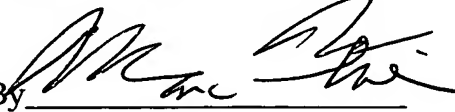
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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